

Southerland
Signature of Sponsor

AMEND Senate Bill No. 928*

House Bill No. 1840

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

by deleting all the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 55-9-302, is amended
by adding the following language as a new, appropriately designated subsection:

(c)

(1) A driver who is twenty-five (25) years of age or older who has a valid Class M license or endorsement and who also possesses a valid endorsement from the department of safety under this subsection may wear either a crash helmet or bicycle helmet, the outer shell being made principally of Kevlar composite or any other materials approved by the commissioner of safety. The endorsement shall be in the form of a decal or sticker, determined by the department, to be placed on the operator's license, and valid for twelve (12) months from date of issuance. The department shall issue the endorsement if the applicant presents to the department:

(A) Proof of comprehensive health insurance coverage covering such person, provided that such person is not currently receiving medical assistance pursuant to Title 71, Part 5. For the purposes of this subsection, proof of comprehensive health insurance coverage includes the declaration page of an insurance policy, an insurance binder or an insurance card; and

(B) Proof of completion of a motorcycle rider education program approved by the motorcycle safety foundation (MSF) or otherwise approved by the department.

(2) Any person obtaining an endorsement under this section whose insurance is cancelled, not renewed, or otherwise terminated shall notify the department within thirty (30) days of such termination or cancellation.

(3) Any person, who is not the driver, who is twenty-five (25) years of age or older may wear either a crash helmet or bicycle helmet, the outer shell being made principally of Kevlar composite or any other materials approved by the commissioner of safety, if the person possesses proof of comprehensive health insurance coverage covering such person, provided that such person is not currently receiving medical assistance pursuant to Title 71, Part 5.

(4)

(A) A violation of any subdivision of this subsection is a separate Class C misdemeanor punishable only by a fine of fifty dollars (\$50.00).

(B) All revenue generated by such fifty dollar (\$50.00) fine not otherwise earmarked by law shall be deposited into the traumatic brain injury fund authorized by Title 68, Chapter 55, Part 4.

SECTION 2. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 3. This act shall take effect July 1, 2005, the public welfare requiring it.